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U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
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Washington, D.C. 20536

[REDACTED]

**Identifying data deleted to
prevent identity compromise
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FILE: [REDACTED]
LIN 01 232 52853

Office: Nebraska Service Center

Date: JAN 10 2003

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. 1254

IN BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center. A subsequent appeal was dismissed by the Associate Commissioner for Examinations. The matter is now before the Associate Commissioner on a motion to reopen. The motion will be dismissed.

The applicant is a native and citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1254a.

The director denied the application after determining that the applicant failed to establish that he met the late registration requirements.

Upon review of the record of proceeding, the Associate Commissioner noted that the applicant had not submitted any evidence to establish that he had met any of the criteria for late registration, as provided in 8 C.F.R. 244.2(f)(2). He, therefore, affirmed the director's findings and dismissed the appeal on April 3, 2002.

On motion, the applicant states that he has never left the country, he has continuously resided here, and he would like to continue living here. He submits additional evidence of his residence in the United States.

Pursuant to 8 C.F.R. 103.5(a)(2), a motion to reopen must state the new facts to be proved at the reopened proceedings and be supported by affidavits or other documentary evidence. A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. 103.5(a)(4).

The applicant submits a statement from Andres Molina stating that he has known the applicant since August 1998, and that to his knowledge he has been continuously physically present in the United States. The applicant, however, neither addressed nor submitted evidence to establish that he was eligible for late registration (after the initial registration period from January 5, 1999 to August 20, 1999).

The applicant has presented no new facts in support of the motion to reopen.

Additionally, pursuant to 8 C.F.R. 103.5(a)(1)(i), any motion to reopen a proceeding before the Service filed by an applicant or petitioner, must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires, may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and was beyond the control of the applicant or petitioner. A motion that

does not meet applicable requirements shall be dismissed. 8 C.F.R. 103.5(a)(4).

The record reflects that the Associate Commissioner dismissed the appeal on April 3, 2002. The petitioner had 30 days after April 3, 2002 in which to file a motion to reopen or a motion to reconsider. This motion, however, was received by the Service on June 22, 2002, approximately 80 days after the appeal was dismissed. The applicant failed to demonstrate that the delay was reasonable and was beyond his control.

Accordingly, the motion will be dismissed.

ORDER: The motion is dismissed.